REMARKS

Reconsideration of this application is respectfully requested. Petition is hereby made for a three month extension of time to respond to the outstanding Office Action of January 24, 2008.

Claims 1-13 are pending in the application. Upon entry of this Amendment, claims 1-12 will be amended to clarify the claimed invention and to better conform such claims to U.S. practice and new claims 14-16 will be added.

In the outstanding Office Action, the Examiner objected to the disclosure because of certain informalities appearing on pages 5, 6, 12 and 14 of the specification. The specification has now been amended to correct the informalities identified by the Examiner. Accordingly, the Examiner's objection to the disclosure should be withdrawn.

The Examiner also objected to method claim 8 as improperly depending on apparatus claim 1. Claim 8 has now been amended to place it in independent form. As such, the Examiner's objection to claim 8 should be withdrawn.

In the outstanding Office Action, the Examiner rejected claims 1 and 8 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement because such claims recited an alarm system intended to trigger an alarm signal upon deviation from "at least two environment-dependent references predetermined for a specific environment." In this regard, the Examiner interpreted the phrase "at least two" as -- at least one -- for the purpose of examining the claims, and, in turn, rejecting them under 35 U.S.C. §103(a). Claims 1 and 8 have now been amended to recite -- at least one -- , rather than the objected-too phrase of "at least

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two". As such, the Examiner's rejection of claims 1 and 8 under §112, first paragraph, should now be withdrawn.

The Examiner further rejected claims 1-13 under 35 U.S.C. §103(a) as being unpatentable over Vock *et al.* (U.S. Publication No. 2005/0080566 A1) in view of Raymond *et al.* (U.S. Publication No. 2004/0087839 A1). The Examiner's rejection is respectfully traversed.

In rejecting a claim under 35 U.S.C. §103(a) as being unpatentable over a combination of references, an Examiner must point to a reason as to why one of ordinary skill in the relevant art would have combined the cited references to produce the claimed invention.

Here, assuming, *arguendo*, that the Examiner properly combined the cited Vock and Raymond references in his rejection of claims 1-13 under §103(a), the resulting combination is not the claimed invention because such references do not disclose an alarm system that triggers an alarm signal upon a deviation from at least one environment-dependent reference predetermined for a specific environment, where the alarm system includes a sensor system for recording a normal state of the environment while in the environment and a processor member for comparing signals from the sensor system with the predetermined environment-dependent reference, and where the predetermined environment-dependent reference is at least the recorded normal state of the environment, as now recited in amended independent claims 1 and 8 of the present application.

The Examiner contends that Vock discloses an alarm system that triggers an alarm signal upon deviation from at least one environment-dependent reference

predetermined for a specific environment, pointing to paragraph 37, lines 1-3 of Vock to support his assertion. In this regard, the Examiner defines the term "deviation" as "exceed[ing] some predetermined threshold or value" and the phrase "environment-dependent references" as "events". 1/24/08 Office Action, p. 3, paragraph 8.

A review of Vock reveals that Vock does not disclose an alarm system, much less an alarm system that triggers an alarm upon a deviation from at least one environment-dependent reference predetermined for a specific environment, and that includes a sensor system for recording a normal state of the environment while in the environment and a processor member for comparing signals from the sensor system with the predetermined environment-dependent reference, where the predetermined environment-dependent reference is at least the recorded normal state of the environment, as now recited in amended independent claims 1 and 8 of the present application.

Rather, Vock discloses a sensor that may be used in applications, such as within sports, the shipping industry and medical and health industries, and that sticks to people and objects and senses conditions associated with movement and/or the environment of the sensor. Specifically, Vock discloses a Movement Monitoring Device ("MMD") and an Event Monitoring Device ("EMD") that record an "event" where conditions associated with the environment and/or movement of a sensor applied to a person or an object exceed some predetermined threshold or value.

The citation of paragraph [0037], lns. 1-3, in Vock, relied upon by the Examiner in his rejection of claims 1-13 under §103, relates to the MMD disclosed by Vock, where data associated with an "event" is acquired for purposes of determining whether it

exceeds some predetermined threshold or value. Vock states that the MMD measures

one or more environmental metrics that include temperature, humidity, moisture, altitude

and pressure. But these data are not compared to at least one environment-dependent

reference predetermined for a specific environment, where the predetermined

environment-dependent reference is at least the recorded normal state of the

environment.

The MMD disclosed by Vock also monitors movement events in an environment.

Some of the examples given by Vock for such movement events include impact,

acceleration, rotation, velocity, air time, speed, drop distance, altitude variations and

jerk variations. A discussion of these appears at page 5 of Vock in paragraphs [0047] to

[0057].

The EMD disclosed by Vock monitors and reports temperature, humidity,

chemicals, heart rate, pulse, pressure, stress, weight, environmental factors and

hazardous conditions. *E.g.,* Vock, p. 5, paragraphs [0061] and [0062]. But, here again,

the EMD is monitoring one or more metrics for events where the data that is acquired

"exceeds some predetermined threshold or value." Vock, p. 7, paragraph [0080]. In

this same paragraph, Vock gives several examples of the metrics monitored by an

EMD. Vock talks about (1) a temperature sensor used to determine whether a

temperature event exceeds a threshold, (2) a humidity sensor to determine whether the

humidity event reach specified humidity conditions, such as 98% humidity, (3) a stress

monitor to determine whether the heart rate of a human has increased to a rate of over

180 beats per minute, and (4) a chemical or pH detector to determine a change of

chemical composition of an object.

None of these examples for either the MMD or the EMD described in Vock is designed to ascertain whether a deviation has occurred from at least one environment-dependent reference predetermined for a specific environment, where the predetermined environment-dependent reference is at least the recorded normal state in the environment.

Applicant explains the significance of the claimed invention not being based on exceeding a specified value or a threshold for an object, as in Vock's sensor, as follows. Applicant notes that the claimed invention is based on the fact that every object in the world is unique, in that it has its own "normal state" in a given environment, which state can be stored as a "predetermined environment-dependent reference" for the object. Applicant's contends that a "state" is a much more specific method of describing an object in a given environment than specifying a threshold or a value not to be exceeded by the object when in the environment. Applicant further contends that a "state" is a more complex description to analyze than just measuring whether a specified a threshold or a value has been exceeded.

Applicant notes, for example, if Vocks' sensor is used as an alarm system to generate an alarm signal when a motor is starting to deviate from its normal operating condition, Vocks' sensor, to record such an event, requires the specification of a threshold or value for the motor that is to be set as a reference so that Vock's sensor can determine whether the specified threshold or value has been exceeded. Applicant contends that determining the threshold or value to use can be a difficult task that can take time to accomplish. Applicant further notes, in contrast, that the claimed invention can quickly and accurately define the normal state of the motor by sensing and

recording the operation of the motor in its environment, and then can make comparisons continuously, temporarily and on demand to determine if the motor begins to vary from its recorded normal state as it continues to operate.

Raymond does not compensate for the noted deficiency in the teachings of Vock. Raymond discloses a health monitoring system which tracks the state of health of a patient and compiles a chronological health history of the patient uses a multiparametric monitor which periodically and automatically measures and records a plurality of physiological data from sensors in contact with the patient's body. The data collected is periodically uploaded to a database in which it is stored along with similar health histories for other patients. The monitor is preferably self-contained in a chest strap which is located on the patient's torso, and makes use of a controller which controls sampling of the desired data and storage of the data to a local memory device pending uploading to the database.

As such, claims 1 and 8 are not obvious over the combination of Vock and Raymond. And because dependent claims 2-7 and 9-13 all depend either directly or indirectly from independent claim 1 and 8, at least for this reason, claims 2-7 and 9-13 are also not obvious over the combination of Vock and Raymond.

In view of the foregoing, it is believed that all of the claims remaining the application, *i.e.*, claims 1-16, are now in condition for allowance, which action is

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earnestly solicited. If any issues remain in this application, the Examiner is urged to

contact the undersigned at the telephone number listed below.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _Robert A. Molan_
Robert A. Molan
Reg. No. 29,834

RAM:drt
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

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